ZB# 98-47

Adele VanDerEssen

62-7-40

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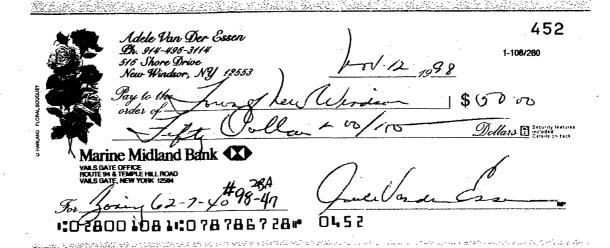
TOWN OF NEW WINDSOR

TOWN HALL, 555 UNION AVENUE NEW WINDSOR, NEW YORK 12553

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NEW WINDSOR ZONING	BOARD OF APPEALS
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62-7-40

In the Matter of the Application of

ADELE VAN DER ESSEN-

MEMORANDUM OF DECISION GRANTING AREA VARIANCE

#98 -4 7.	•	
	• •	

WHEREAS, ADELE VAN DER ESSEN, residing at 516 Shore Drive, New Windsor, New York, N. Y. 12553, has made application before the Zoning Board of Appeals for a 2 ft. rear yard variance for an existing pool deck, 7 ft. side yard variance for an existing shed #1 and 9 ft. 3 in. side yard and 7 ft. 6 in. rear yard variance for an existing shed #2 located at the above residence in an R-4 zone; and

WHEREAS, a public hearing was held on the 23rd day of November, 1998 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

WHEREAS, the Applicant appeared on behalf of herself for this Application; and

WHEREAS, there were no spectators appearing at the public hearing; and

WHEREAS, no one spoke in favor or in opposition to the Application; and

WHEREAS, a decision was made by the Zoning Board of Appeals on the date of the public hearing granting the application; and

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor sets forth the following findings in this matter here memorialized in furtherance of its previously made decision in this matter:

- 1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and in <u>The Sentinel</u>, also as required by law.
 - 2. The evidence presented by the Applicant showed that:
- (a) The property is a one-family home located in a neighborhood containing one-family homes.
- (b) The pool deck has existed for approximately 11 years and the shed and porch for approximately 20 years each.
- (c) No complaints, formal or informal, have been made with respect to any of the three structures.

- (d) The structures are so constructed so that it would be economically impractical to move them.
- (e) The structures have been located considering the configuration of the property in the best possible location for that property.
- (f) None of the structures cause any ponding or collection of water, nor do they interfere with the runoff of water or the obstruction of any water or septic system.
 - (g) The structures do not interfere with any sewer or water easement.
- (h) The structures do not interfere with any sight lines of other property owners or of motorists traveling on the adjacent roadways.
 - (i) The structures are similar to other structures which exist in the neighborhood.

WHEREAS, The Zoning Board of Appeals of the Town of New Windsor makes the following conclusions of law here memorialized in furtherance of its previously made decision in this matter:

- 1. The requested variances will not produce an undesirable change in the character of the neighborhood or create a detriment to nearby properties.
- 2. There is no other feasible method available to the Applicant which can produce the benefits sought.
- 3. The variances requested are substantial in relation to the Town regulations (approximately 25%) but nevertheless is warranted for the reasons listed above.
- 4. The requested variances will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or zoning district.
- 5. The difficulty the Applicant faces in conforming to the bulk regulations is self-created but nevertheless should be allowed.
- 6. The benefit to the Applicant, if the requested variances are granted, outweigh the detriment to the health, safety and welfare of the neighborhood or community.
- 7. The requested variances are appropriate and are the minimum variances necessary and adequate to allow the Applicant relief from the requirements of the Zoning Local Law and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.
- 8. The interests of justice will be served by allowing the granting of the requested area variances.

NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor GRANT a request for a 2 ft. rear yard variance for existing pool deck, 7 ft. side yard variance for existing shed #1 and 9 ft. 3 in. side yard and 7 ft. 6 in. rear yard variance for existing shed #2 located at the above address in an R-4 zone as sought by the Applicant in accordance with plans filed with the Building Inspector and presented at the public hearing.

BE IT FURTHER

RESOLVED, that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and Applicant.

Dated: January 25, 1999.

Chairman

Date 12/2/95 , 19

TOWN OF NEW WINDSOR

TOWN HALL, 555 UNION AVENUE NEW WINDSOR, NEW YORK 12553

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PUBLIC HEARING:

VANDERESSEN, ADELE

MR. NUGENT: Request for 2 ft. rear yard variance for existing pool deck, 7 ft. side yard variance for existing shed #1 and 9 ft. 3 in. side yard and 7 ft. 6 in. rear yard variance for existing shed #2 located at 516 Shore Drive in an R-4 zone.

Ms. Adele Vanderessen appeared before the board for this proposal.

MS. VANDERESSEN: What do you want me to say?

MS. BARNHART: For the record, we sent out 47 notices on November 12.

MR. NUGENT: Let the record show there's no one here. Okay.

MS. VANDERESSEN: I just have a few pictures here.

MR. REIS: How long have these sheds and pool deck been there?

MS. VANDERESSEN: The pool deck is 11 years, the shed is before that, the porch is before that, probably a good 20 years.

MR. REIS: Has there ever been any controversy between your neighbors?

MS. VANDERESSEN: No, never.

MR. REIS: Not blocking anybody or causing any kind of a hazard?

MS. VANDERESSEN: No.

MR. TORLEY: Is it economically feasible for you to move the structures so that they would not require a variance, would it be infeasible for you to move it?

MS. VANDERESSEN: Yes.

MR. KRIEGER: You've located the sheds where they're located why?

MS. VANDERESSEN: Because one shed was, see, I also have another house behind me, house on Oak Drive and one shed was for the house behind mine, which is now which I realize now was on Shore Drive property.

MR. KRIEGER: But these sheds were located in the places they were located taking into account the size and shape of the property, your property?

MS. VANDERESSEN: Yes.

MR. KRIEGER: And they were, the locations were chosen as the best possible locations?

MS. VANDERESSEN: Yes.

MR. KRIEGER: Do either of the sheds or the pool deck cause any ponding or collection of water?

MS. VANDERESSEN: No.

MR. KRIEGER: Alter the cost of any flow of drainage?

MS. VANDERESSEN: No.

MR. KRIEGER: Are they built over the top of any septic system or well?

MS. VANDERESSEN: No.

MR. KRIEGER: Interfere with easements for septic or water?

MS. VANDERESSEN: No, they don't.

MR. TORLEY: Clearly from their position, it would not interfere with any sight lines from public highways?

MS. VANDERESSEN: No.

MR. KRIEGER: There are other similar sheds in the

neighborhood?

MS. VANDERESSEN: Yes.

MR. KRIEGER: And similar pool decks in the

neighborhood?

MS. VANDERESSEN: I think so, yes.

MR. KRIEGER: Similar?

MS. VANDERESSEN: Yes, yes.

MR. KRIEGER: This is a one-family home in a

neighborhood of one-family homes?

MS. VANDERESSEN: Yes, it is.

MR. NUGENT: I'll accept a motion.

MS. OWEN: I make a motion that we grant the request for Mrs. Adele VanDeressen for her two foot rear yard variance, her 7 foot side yard variance for shed number one and 9 foot three inch side yard 7 foot six inch rear yard variance for a shed number 2.

MR. REIS: Second the motion.

ROLL CALL

MS. OWEN AYE
MR. REIS AYE
MR. TORLEY AYE
MR. NUGENT AYE

OFFICE OF THE BUILDING INSPECTOR TOWN OF NEW WINDSOR ORANGE COUNTY, NEW YORK

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

APPLICANT IS TO PLEASE CONTACT THE ZONING BOARD SECRETARY AT (914)563-4630 TO MAKE AN APPOINTMENT WITH THE ZONING BOARD OF APPEALS.

DATE: October 2, 1998

APPLICANT: Adelilne Van Der Essen

516 Shore Drive

New Windsor, New York 12553

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATE: 10/01/98

FOR : existing shed $\# \mathcal{A}$.

LOCATED AT: 516 Shore Drive

ZONE: R-4

DESCRIPTION OF EXISTING SITE: 62-7-40

IS DISAPPROVED ON THE FOLLOWING GROUNDS:

1. Existing shed does not meet minimum side and rear yard set-back.

BUILDING INSPECTOR

PERMITTED 10	PROPOSED OR	VARIANCE
	AVAILABLE:	REQUEST:
ZONE: R-4 USE: 48-14-A-1-B		
MIN. LOT AREA:		
MIN LOT WIDTH:		
REQ'D FRONT YD:		
REQ'D. SIDE YD:	7"	9'-3"
REQD. TOTAL SIDE YD:		
REQ'D REAR YD:	2'-6"	7'-6"
		-
REQ'D FRONTAGE:		
MAX. BLDG. HT.:		

FLOOR AREA RATIO:

MIN. LIVABLE AREA:

DEV. COVERAGE:

cc: Z.B.A., APPLICANT, FILE ,W/ ATTACHED MAP

Other inspections will be made in most cases but those listed below must be made or Certificate of Occupancy may be withheld. Do not mistake an unscheduled inspection for one of those listed below. Unless an inspection report is left on the job indicating approval of one of these inspections it has not been approved and it is improper to continue beyond that point in the work. Any disapproved work must be reinspected after correction.

- when excavating is complete and footing forms are in place before pouring.) Foundation inspection. Check here for waterproofing and footing grains.
- 3. Inspect gravel base under concrete floors and understab plumbing. when framing is completed and before it is covered from inside and plumbing rough-
- · 5. · Insulation. . 6. Plumbing final and final. Have on hand electrical inspection data and final certified pioprismos at this time. Well water test required and engineer's certification letter for septic system
- 7. Driveway inspection must meet approval of Town Highway Superintendent. A driveway bond may be required 8. _ \$50.00 charge for any site that calls for the inspection twice.
- Permit number must be called in with each inspection.
- 10. There will be no inspections unless yellow permit card is posted.
- 11. Sewer permits must be obtained along with building permits for new houses.
- 12. Septic permit must be submitted with engineer's drawing and perc test
- 15. Road opening permits must be obtained from Town Clerk's office,

14. All building permits will need a Certificate of Occupancy or a Certificate of Compliance and there is no fee to

PLEASE PRINT CLEARLY 🎫

SHORE DRIVE ACCITECE

Mailing Address

Name of Archit

ACCTESE .

Name of Contract

Address

State whether applicant is owner, lessee, agent, architect, engineer or builder

If applicant is a corporation, signature of duty authorized officer

RECEIVED

Phone

BOX FOR OFFICE USE	DNLY
Building Permit #	

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w Windsor, New York 12553 4) 563-4618 J. 11 12 13 14 14 4) 563-4693 FAX (4-4) 14 14 14		Permit No.

IHSTRUCTIONS

- A. This application must be completely filled in by typewriter or in lnk and submitted in duplicate to the Building Inspector.
- E. Plot plan showing location of lot and buildings on premises, relationship to adjoining premises or public streets or areas, and giving a detailed description of layout of property must be drawn on the diagram which is part of this application.
- C. This application must be accompanied by two complete sets of plans showing proposed construction and two complete sets of specifications. Plans and specifications shall describe the nature of the work to be performed, the materials and equipment to be used and installed and details of structural, mechanical and plumbing installations.
- D. The work covered by this application may not be commenced before the Issuance of a Building Permit.

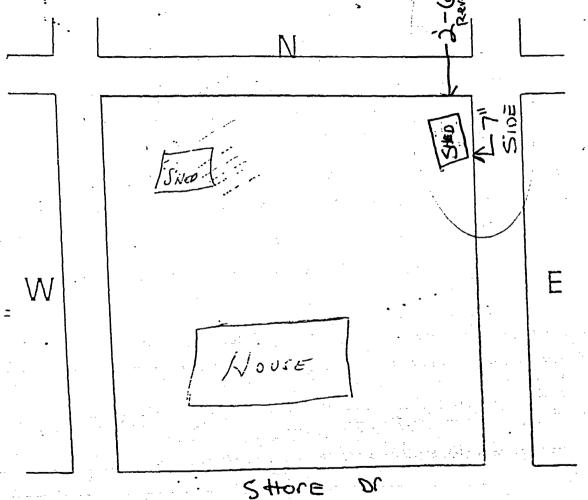
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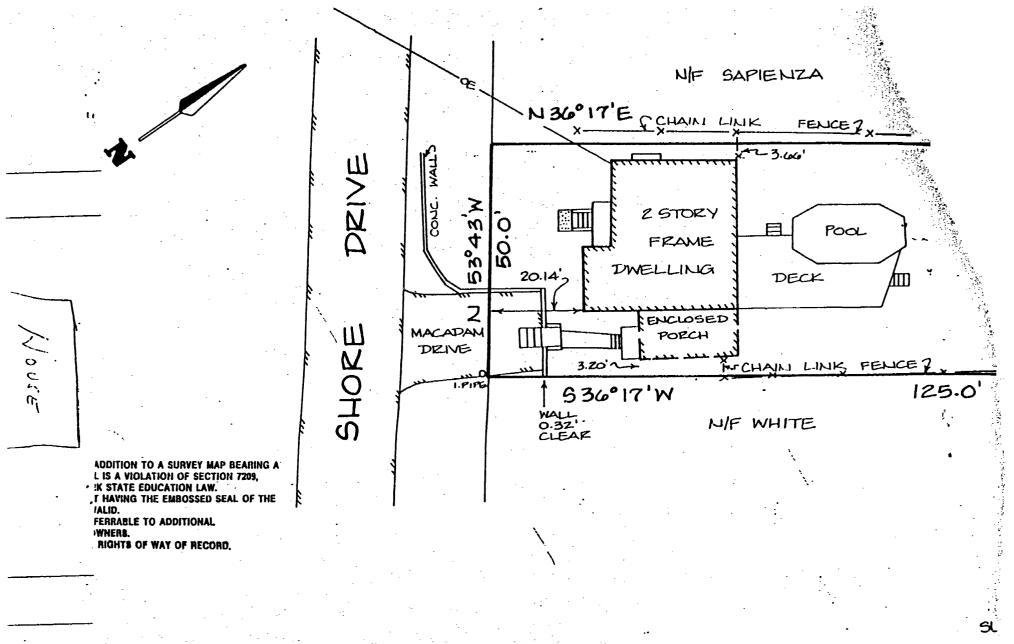
- E. Upon approval of this application, the Building Inspector will issue a Building Permit to the applicant together with approved set of plans and specifications. Such permit and approved plans and specifications shall be kept on the premises, available for inspection throughout the progress of the work.
- F. No building shall be occupied or used in whole or in part for any purpose whatever until a Cartificate of Occupancy shall have been granted by the Building Inspector.

APPLICATION IS HEREBY MADE to the Building Inspector for the issuance of a Building Permit pursuant to the New York Suilding Construction Code Ordinances of the Town of New Windsor for the construction of buildings, additions, or alterations, or for removal or demolition or use of property as herein described. The applicant agrees to comply with all applicable laws, ordinances, regulations and certifies that he is the owner or agent of all that certain lot, piece or parcel of land and/or building described in this application and if not the owner, that he has been duly and property authorized to make this application and to assume responsibility for the owner in connection with this application.

PLOT PLAN

NOTE: Locate all buildings and indicate all set back dimensions. Applicant must indicate the building line or , lines clearly and distinctly on the drawings.





NCE: BEING LOTS # 9 AND 10, BLOCK 5, AS SHOWN ON A MAP ENTITLED "BEAVER DAM LAKE SECTION I" FILED AT THE ORANGE COUNTY CLERK'S OFFICE MAY 5, 1931 AS MAP # 1044.

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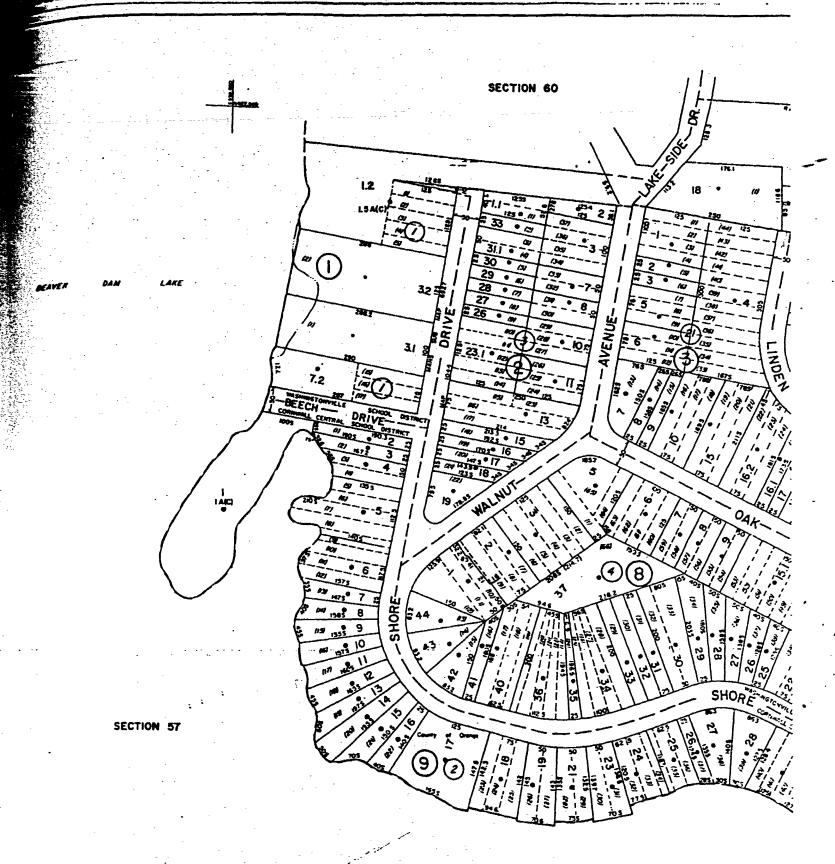
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ZONING BOARD OF APPEALS: TOWN OF NEW WINDSOR COUNTY OF ORANGE: STATE OF NEW YORK	•
In the Matter of the Application for Variance of	• •
adoline Van Der Essen.	AFFIDAVIT OF SERVICE BY
# <u>78-47</u>	MAIL
STATE OF NEW YORK)) SS.: COUNTY OF ORANGE)	
PATRICIA A. BARNHART, being duly sworn, deposes and	d says:
That I am not a party to the action, am over 18 years of age Avenue, Windsor, N. Y. 12553.	e and reside at 7 Franklin
That on November 12 1978 I compared the 47 addressed the Public Hearing Notice pertinent to this case with the certified I Assessor regarding the above application for a variance and I find identical to the list received. I then mailed the envelopes in a U.S. Town of New Windsor.	ist provided by the that the addresses are
	1 :
Patricia A	Barnhart
Sworn to before me this day of Now., 1998.	
Deboah Juen Notary Public	

DEBORAH GREEN
Notary Public, State of New York
Qualified in Orange County
4984065
Commission Expires July 15,

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TOWN OF NEW WINDSOR

TOWN HALL, 555 UNION AVENUE NEW WINDSOR, NEW YORK 12553

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VANDERESSEN, ADELINE

MR. NUGENT: Request for 2 ft. rear yard variance for existing pool deck, 7 ft. side yard variance for existing shed #1 and 9 ft. 3 in. side yard and 7 ft. 6 in. rear yard variance for existing shed #2 located at 516 Shore Drive in an R-4 zone.

Mr. Nash Galli and Mrs. Adeline VanDeressen appeared before the board for this proposal.

MS. BARNHART: Two sheds and a deck, right?

MRS. VANDERESSEN: Yes.

MR. GALLI: Yes and an enclosed porch that was built about 20 years ago.

MRS. VANDERESSEN: The deck is fairly new, the deck is ten years old.

MR. NUGENT: That deck just meets the house to the pool?

MRS. VANDERESSEN: Yes.

MR. NUGENT: Attached to the house?

MR. GALLI: Yes.

MR. NUGENT: Let me ask you a question. Can the sheds be moved at all? Are they stationery? Are they fixed, concrete base?

MRS. VANDERESSEN: Not concrete, I think it's just a wood floor.

MR. LUCAS: Wood floor and they have been up for 20 years?

MRS. VANDERESSEN: Yes.

MR. LUCAS: Might be difficult moving it.

MR. NUGENT: Do you have any photographs?

MRS. VANDERESSEN: No, I have a survey. Do you have a copy of the survey there?

MR. NUGENT: I might.

MR. LUCAS: Can we see that, sir?

MR. GALLI: Sure.

MR. TORLEY: Are you--

MR. LUCAS: On the portion of the deck it's just that angle out right by the pool that kicks in this two feet?

MR. BABCOCK: The survey says that the closest part of the pool deck is 38 feet to the rear yard lot line, the requirements are 40 feet, that deck is attached to the house.

MR. LUCAS: Right, it's attached to the house, okay, so it is angled up to the back yard so it catches two feet?

MR. BABCOCK: That's correct.

MR. TORLEY: Are you sure the measurements are correct? Because you don't want to do this again.

MR. GALLI: There's a survey.

MR. REIS: The existing structure and improvements have not caused any problems with the neighbors, I assume, after all these years?

MRS. VANDERESSEN: No.

MR. TORLEY: How old is the main building?

MRS. VANDERESSEN: I'm not sure, I think in the '40's, about '45, maybe.

MR. TORLEY: Before the early '60's?

MRS. VANDERESSEN: Oh, yeah.

MR. NUGENT: Enclosed porch is okay, Mike?

MR. BABCOCK: Mr. Chairman, I'm not sure we have been there yet, as far as they applied for the permits and the first step is the variance procedure. Normally, one of the, you know, I didn't talk to these particular people, one of the guys were there. Normally tell them that, you know, the condition of it, if it's all rotted and ready to fall down, maybe it's something you should think of.

MR. NUGENT: The only reason I'm bringing it up that's not included in the--

MR. BABCOCK: Yes, which one?

MR. NUGENT: Enclosed porch?

MRS. VANDERESSEN: It is.

MR. BABCOCK: Sure it is, yeah, Mr. Chairman, they have a pool deck, they have two sheds and the existing porch.

MRS. VANDERESSEN: It doesn't say it up here but--

MR. BABCOCK: Yeah, the enclosed porch.

MR. NUGENT: Doesn't say it on the agenda.

MR. LUCAS: One shed you have a side yard and a rear on shed number 2 and on shed number one you have a side yard.

MR. NUGENT: I don't have that in my packet, that's the reason that I'm asking.

MS. BARNHART: It wasn't included, Mike, do you know how much they need? We'll just add that on.

MR. BABCOCK: For the --

MR. KANE: Enclosed porch.

MR. BABCOCK: They have three foot, well, we did said three foot, they need 12 foot.

MR. TORLEY: How old is the enclosed porch, though?

MRS. VANDERESSEN: It's probably like 20 years.

MR. NUGENT: Never mind, Mike.

MS. BARNHART: So, it's a 12 foot side yard variance for a porch also?

MR. BABCOCK: Yeah, it's just not stated on the agenda.

MS. BARNHART: Pool deck, two sheds.

MS. OWEN: She only needs 12, right?

MR. BABCOCK: No, she needs a 12 foot variance.

MR. TORLEY: Does this come under one of our Beaver Dam small lot codes?

MS. BARNHART: No.

MR. BABCOCK: That's only for proposed development, Larry, I guess you can look at it as proposed development, but it's for a new single family dwelling. If you want, we can change that.

MR. TORLEY: No, just curious, trying to make sure we did this once.

MR. TORLEY: So, because the existing building was put up before zoning, the side yard is not a problem, it's the side yard of the enclosed porch which does not meet zoning, which does not predate zoning?

MR. BABCOCK: That's correct.

MR. NUGENT: Is there any further questions? Accept a motion.

MR. KANE: I move that we set up Adeline VanDeressen

for a public hearing on the requested variances.

MR. REIS: Second the motion.

ROLL CALL

MR. KANE AYE
MS. OWEN AYE
MR. TORLEY AYE
MR. REIS AYE
MR. NUGENT AYE

MR. LUCAS: Ma'am, when you come back, some pictures would be helpful for us to see.

MR. KRIEGER: When you come back, if you would address yourself to the criteria listed on the sheet that would be helpful since these are the criteria on which the state has determined the zoning board must decide.

MRS. VANDERESSEN: Thank you.

Town of New Windsor



555 Union Avenue New Windsor, New York 12553 Telephone: (914) 563-4631 Fax: (914) 563-4693

Assessors Office

November 2, 1998

(47)

Adeline VanderEssen 516 Shore Drive New Windsor, NY 12553

Re: Parcel # 62-7-40 & 62-7-41

Dear Ms. VanderEssen:

According to our records, the attached list of property owners are within five hundred (500) feet of the above referenced properties.

The charge for this service is \$65.00, minus your deposit of \$25.00.

Please remit the balance of \$40.00 to the Town Clerk's office.

Also, please be advised that the Town of Cornwall line falls within the 500 feet.

Sincerely, Leslie Cook (cmo)

LESLIE COOK

Sole Assessor

/cmo Attachments

cc: Pat Barnhart, ZBA

62-07-11 Michael & Loretta Moschitta 327 Oak Dr. New Windsor, NY 12553 62-07-18 Thomas & Andrea Cardinal 315 Oak Dr. New Windsor, NY 12553

62-07-19
Joan Carlough
309 Oak Dr., RD 4
New Windsor, NY 12553

62-07-23 Robert & Lynnea Vassas 303 Oak Dr. New Windsor, NY 12553 62-07-26 Joseph Bombardi & C. Columbia 34-09 Bell Blvd. Bayside, NY 11361

62-07-42 Christopher L. Sapienza 520 Shore Dr. New Windsor, NY 12553 62-07-43 Gregory & Odile Monteforte 528 Shore Dr. New Windsor, NY 12553 62-07-47 Chris, Tomas & Gloria Mylonas 532 Shore Dr. New Windsor, NY 12553

62-07-27 Michael F. Scalia 190 Shore Dr. New Windsor, NY 12553 62-07-29 Melville L. Palmer, Jr. 504 Shore Dr. New Windsor, NY 12553 62-07-37.1
Jerry K. White
512 Shore Dr.
New Windsor, NY 12553

62-8-15.1 Edward W. & Margaret J. Janatsch 353 Oak Dr. New Windsor, NY 12553 62-08-19 Dolores Schimenti 305 Maple Ave. New Windsor, NY 12553

62-08-22 Mariano & Dorthy Schimenti 1227 Barry Dr. South Valley Stream, NY 11580 62-08-25 David Aceto 546 Shore Dr. New Windsor, NY 12553 62-09-26
William & Adele Widmayer
C/o Manfredo
967 Park Lane North
Franklin Square, NY 11010

62-09-28 Louise F. Aceto 531 Shore Dr. New Windsor, NY 12553 62-09-29 Lynn Dalcin 529 Shore Dr. New Windsor, NY 12553 62-09-30
Beaver Dam Lake Water Corp
C/O: Helen O'Leary
132 Shore Dr.
New Windsor, NY 12553

62-09-32 Leon, Victoria & Natalie Dondysh 233 East 86th St., Apt. 11C New York, NY 10028 62-09-35 James & Catherine Lowe, Jr 519 Shore Dr. New Windsor, NY 12553 62-09-37 Mario Zumbo & Jenel LaPerla 207 Shore Dr. New Windsor, NY 12553

62-09-39 Robert Broadhurst Jr. 36 Bull Rd., PO Box 71 Washingtonville, NY 10992

Marjorie Lindemann & Leslie Emery 513 Shore Dr. New Windsor, NY 12553 62-09-44 Anna Kurz Box 505 Shore Dr. New Windsor, NY 12553

62-09-45 Mary C. Vecchio 501 Shore Dr. New Windsor, NY 12553 63-1-2.1 Lawrence & Kathlen Rossini 319 Hickory Ave. New Windsor, NY 12553 63-01-03
Martha Shilling & Eileen Stine
37 Hibiscus Dr.
Ormond Beach, FL 32176

62-3-22 Charles & Frederica Vella 14 Maple Ave. New Windsor, NY 12553

62-06-01 Richard G. Sarnowski 34 Oak Dr. New Windsor, NY 12553

62-06-07 Ahmed & Grace Abouelezz 1 Stuart Lane W. Princeton Junct., NJ 06550

62-07-02 James & Marie Kelly 335 Oak Dr. New Windsor, NY 12553

63-01-10 Ronald G. Cuttica 4 Willow Ave. New Windsor, NY 12553

63-01-12 Frederick & Florence Laux 8 Willow Ave. New Windsor, NY 12553

63-01-13 William & Margaret A. Ferris 10 Willow Ave. New Windsor, NY 12553

63-01-14 Gilbert Scarazzini 4 Willow Ave. New Windsor, NY 12553

63-08-01 James & Karen Bothwell RD#1, Box 692 Arbor Road Campbell Hall, NY 10916

63-08-12 Robert G. & Charlotte M. Farrell 300 Oak Drive New Windsor, NY 12553 62-05-24 2 3 Andrew & Elizabeth Kurlplach 334 Oak Dr. New Windsor, NY 12553

62-05-16 Keith Lorenzen 324 Maple Ave. New Windsor, NY 12553

62-07-05 Walter & Deborah Law 333 Oak Dr. New Windsor, NY 12553

63-08-14 Domenick Savino 238-26 115th Terrace Elmont, NY 11003

63-08-17 Robert C. & Mary E. Lovely 306 Oak Drive New Windsor, NY 12553 62-04-06
Frank W. Kieck
317 Maple Ave.
New Windsor, NY 12553

62-05-17 Ellen Davis & Julia Ciano 610 Ovington Ave. Brooklyn, NY 11209

62-07-01 Paul & Joanne Ciccone 304 Maple Ave. New Windsor, NY 12553

62-07-09
Daniel & Jeanne Maltes

271 Cartwheel Dr.
Washingtonville, NY 10992

OFFICE OF THE BUILDING INSPECTOR TOWN OF NEW WINDSOR ORANGE COUNTY, NEW YORK

Prelim.
October 26, 1998
#98-

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

APPLICANT IS TO PLEASE CONTACT THE ZONING BOARD SECRETARY AT (914)563-4630 TO MAKE AN APPOINTMENT WITH THE ZONING BOARD OF APPEALS.

DATE: October 2, 1998

APPLICANT: Adelilne Van Der Essen

516 Shore Drive

New Windsor, New York 12553

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATE: 10/01/98

FOR: existing pool deck

LOCATED AT: 516 Shore Drive

ZONE: R-4

DESCRIPTION OF EXISTING SITE: 62-7-40

IS DISAPPROVED ON THE FOLLOWING GROUNDS:

1. Existing attached pool deck does not meet minimum rear yard set back.



PERMITTED 40

PROPOSED OR AVAILABLE:

VARIANCE REQUEST:

ZONE: R-4

USE: 10-G

MIN. LOT AREA:

MIN LOT WIDTH:

REQ'D.. FRONT YD:

REQ'D. SIDE YD:

REQD. TOTAL SIDE YD:

REQ'D REAR YD:

.38°

2'

REQ'D FRONTAGE:

MAX. BLDG. HT.:

FLOOR AREA RATIO:

MIN. LIVABLE AREA:

DEV. COVERAGE:

cc: Z.B.A., APPLICANT, FILE, W/ ATTACHED MAP

IMPUKIANI

OCT

Phone

1998

YOU MUST CALL FOR ALL REQUIRED INSPECTIONS OF CONSTRUCTION

Other inspections will be made in most cases but those listed below must be made or Certificate of Occupancy may be withheld. no not mistake an unscheduled inspection for one of those listed below. Unless an inspection report is left on the lob indicating approval of one of these inspections it has not been approved and it is improper to continue beyond that point in the work. Any disapproved work must be réinspected after correction.

The state of When exceivating is complete and footing forms are in place thefore pouring.) 2. Foundation inspection. Check here for waterproofing and footing drains.

3. Inspect gravel base under concrete floors and understab plumbing. when framing is completed and before it is covered from inside and plumbing roughin

ร. ปกรมเสียก...

Address

Address

6. Plumbing final and final. Have on hand electrical inspection data and final certified plot pallikiniding is to be at at this time. Well water test required and engineer's certification letter for septic system required.

7. Driveway inspection must meet approval of Town Highway Superintendent. A driveway bond may be required. 8. . 550.00 charge for any site that calls for the inspection twice.

9. Permit number must be called in with each inspection.

10. There will be no inspections unless yellow permit card is posted.

11. Sewer permits must be obtained along with building permits for new houses.

12. Septic permit must be submitted with engineer's drawing and perc test.

15. Road opening permits must be obtained from Town Clerk's office.

14. All building permits will need a Certificate of Occupancy or a Certificate of Compliance ALLIANG DEVARIMENT

PLEASE PRINT CLEARLY FILL OUT ALL INFORMATION WHICH APPLIES TO YOU

5% S'HORE DRIVE Address

Mailing Address

Name of Archite

Meis BUDNEN

Name of Contractor

State whether applicant is owner, lessee, agent, architect, engineer or builder

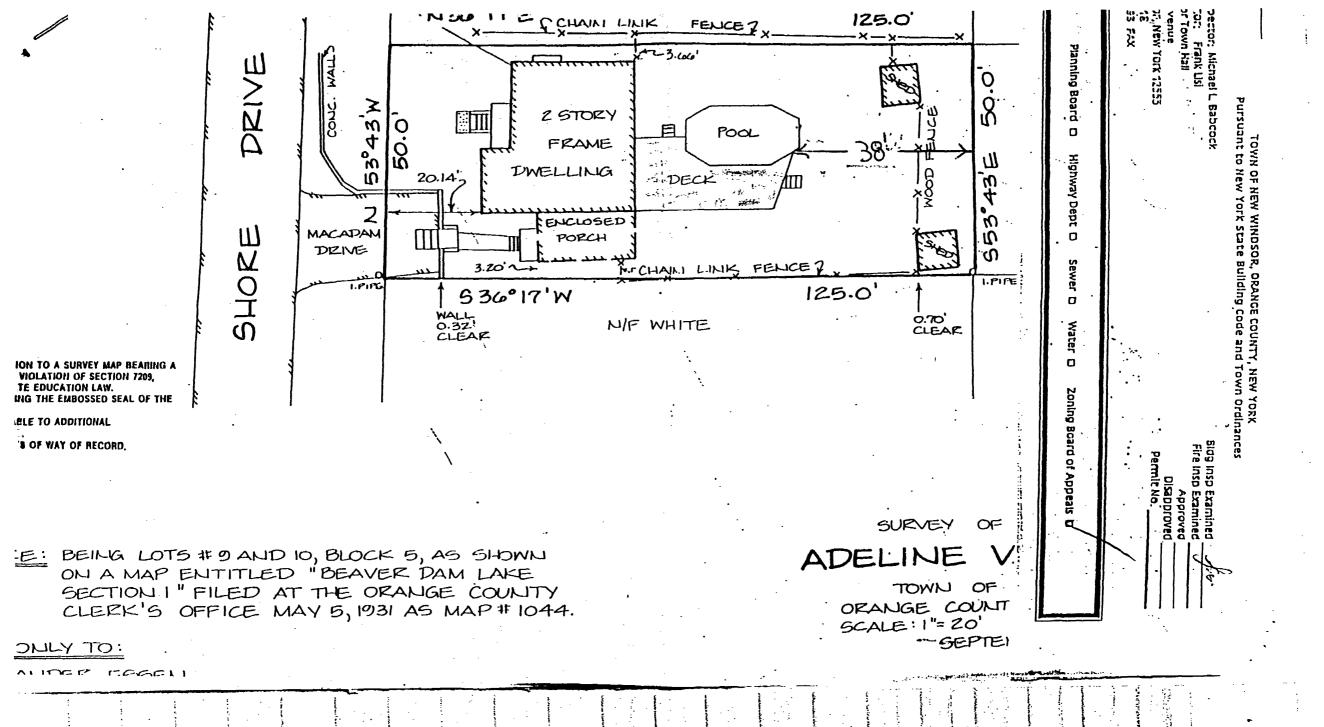
If applicant is a corporation, signature of duty authorized officer.

-		•		• -	(Name and title of corporate of:
	BOX FOR GEFICE USE ONLY	•	•	-	

Cn w	what street is property	located? _On ti	ie	sic	se of	NORE DR.	JE
2೧೭	2 /	o feet from	N,S,E 0) n the intersec	orwi cion of/	MAPLE	Ave.	
Zon	e or use district in t	which premises	are-situated	1		İs	property a flood zon
Tax	Map Description: Secti	on 67	3lo	ck	Lot	40	
sat	te existing use and occ	neard of brew	ises and inter	ıqeq nzs'aüq	econbauch o	t brobosed cour	ruction.
a .	Existing use and	occupancy	·			b. Intended	I use and occupancy
	curs of work (check if a						POOL DE
Din	nensions of entire new	construction.	Front	. Rear	Depth	Heignt	No. of stories
, If	awelling, number	of awelling i	units:		Numt	per of awellin	g units on each f
	Number of bedi	ooms	. В	aths		Toilets	
	Heading Plant: Cas_		All	ElectricA	HOC Air	Toilets Hot v	rater
		ıf C	arage, numbe	er of cars	 		•
. Lf :	Dusiness, commercial o	mixed occupa	icy, specify na	ture and exte	nt of each typ	ne of use	_
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					; ³	#50	-
	•			ř.		# <u> </u>	
 0. '	Estimated cost	70				o de Paid on thi	S Application)

work done in connection therewith, exclusive of the cost of the land. If final cost shall exceed period on the

- additional fee may be required heft to the



OFFICE OF THE BUILDING INSPECTOR TOWN OF NEW WINDSOR ORANGE COUNTY, NEW YORK

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

APPLICANT IS TO PLEASE CONTACT THE ZONING BOARD SECRETARY AT (914)563-4630 TO MAKE AN APPOINTMENT WITH THE ZONING BOARD OF APPEALS.

DATE: October 2, 1998

APPLICANT: Adelilne Van Der Essen

516 Shore Drive

New Windsor, New York 12553

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATE: 10/01/98

FOR:

LOCATED AT: 516 Shore Drive

ZONE: R-4

DESCRIPTION OF EXISTING SITE: 62-7-40

IS DISAPPROVED ON THE FOLLOWING GROUNDS:

1. Existing enclosed porch does not meet minimum side-yard set back.



PERMITTED PROPOSED OR VARIANCE 15' AVAILABLE: REQUEST: ZONE: R-4 USE: F-10 MIN. LOT AREA: MIN LOT WIDTH: REQ'D.. FRONT YD: REQ'D. SIDE YD: 3' 12' REQD. TOTAL SIDE YD: REQ'D REAR YD: **REQ'D FRONTAGE:** MAX. BLDG. HT.: FLOOR AREA RATIO: MIN. LIVABLE AREA: DEV. COVERAGE:

cc: Z.B.A., APPLICANT, FILE, W/ ATTACHED MAP

IMPUKIARI



YOU MUST CALL FOR ALL'REQUIRED INSPECTIONS OF CONSTRUCTION

Inspections will be made in most cases but those listed below must be made or Certificate of Occupancy may be withheld. ente Any

not mistake an unscheduled inspection for one of those listed below. Sproval of one of these inspections it has not been approved and it is improved work must be reinspected after correction.	Unless an Inspection report is left on the loo Indic
ymen,excavating is complete and footing forms are in place (before confidential place). Fourication inspection. Check here for waterproofing and footing inspect grayel base under concrete floors and understab plumbing	drains.
*4. When framing is completed and before it is covered from inside a	nd plumbing rough BALL DING DEPARTMENT
6. Plumbing final and final. Have on hand electrical inspection data and at this time. Well water test required and engineer's cerdification 7. Driveway inspection must meet approval of Town Highway Superior	d final certified plot plan. Building is to be complete letter for septic system required.
8 S50.00 charge for any site that calls for the Inspection twice. 9. Permit number must be called in with each inspection.	RETTIVED
 There will be no inspections unless yellow permit card is posted. Sewer permits must be obtained along with building permits for r Septic permit must be submitted with engineer's drawing and permits. 	rc test 중단 중 1998
 Read opening permits must be obtained from Town Clerk's office All building permits will need a Certificate of Occupancy or a Certificate 	ficate of Compliance and there is no see for this.
PLEASE PRINT CLEAN FILL OUT ALL INFORMATION WHICH	•
OWNER OF Premises ADELINE VAN DER ESSE	₹N
Address 516 SNORE DRIVE	Phone 496-3114
Mailing Address SAME	
Name of Architect	
Address	Phone
Name of Contractor	
Address	Phone
State whether applicant is owner, lessee, agent, architect, engineer o	r builder Owner

If applicant is a corporation, signature of duty authorized officer.

BOX	
FOR OFFICE USE ONLY	
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	1

Size YATA VALANCE

	150 feet from th	e incersection of	MAPIE	1715.	
	e or use district in which premises as N	e situated		Is	property a flood zone
	Map Description: Section 62	Block	1	.ot 40	
	e existing use and occupancy of premises				auction.
, a.	Existing use and occupancy			b, intende	duse and occupancy
Nac	ure of work icheck if applicable) New Bldg	n Addition D A	Alteration D 1	Repair D Removal	O Demolius e ou
		EXISTING	G VCREE	WED IN PE	RCH 10 x 20
is T	his a comer lot?			· ,	
Diri	nensions of entire new construction. From	t Rear	Depth_	Height	No, of stories
lf	Gwelling, number of dwelling unit	s:	Nu	mber of dwellin	g units on each flo
	Number of hedrooms	Baths		Toiles	
	וומוווטפו כו סבבו סטוווס	Flor	tric/Hot Air	Hacv	varer
	Number of bedrooms Heating Plant: Cas Oil				
	Heating Plant: Cas Oil If Carac	ge, number of cars			•
15 2	Heating Plant: Gas Oil If Garagousiness, commercial or mixed occupancy,	ge, number of cars			
15 2	If Carag	ge, number of cars			
	If Garagousiness, commercial or mixed occupancy,	ge, number of cars	extent of each	type of use	
15 t	If Carag	ge, number of cars	extent of each		is Application)

TOWN OF NEW WINDSOR ZONING BOARD OF APPEALS

APPLICATION FOR VARIANCE

Date: I. ✓ Applicant Information: (a) Horing Van Der Essen 5/6 Nore Dr. New Windson 496-3/14

(Name, address and phone of Applicant) (Owner) (b) (Name, address and phone of purchaser or lessee) (c) (Name, address and phone of attorney) (d) (Name, address and phone of contractor/engineer/architect) II. Application type:) Sign Variance) Use Variance (X) Area Variance) Interpretation Property Information:
(a) R-4 5/1 I_{NORE} I_{R} . I_{NOSOR} I_{NOSOR III. Property Information: (b) What other zones lie within 500 ft.? Nower (c) Is a pending sale or lease subject to ZBA approval of this application? Yes (d) When was property purchased by present owner? /967 . (e) Has property been subdivided previously? N_o .

(f) Has property been subject of variance previously? N_o . If so, when?

(g) Has an Order to Remedy Violation been issued against the property by the Building/Zoning Inspector? $\mathcal{N}_{\mathcal{O}}$. (h) Is there any outside storage at the property now or is any proposed? Describe in detail: $\int N \epsilon v d$ IV. Use Variance. NA (a) Use Variance requested from New Windsor Zoning Local Law, Section _____, Table of _____, Regs., Col. _____, to allow: (Describe proposal)

(b) The legal standard for a "use" variance is unnecessary hardship. Describe why you feel unnecessary hardship will result unless the use variance is granted. Also set forth any efforts you have made to alleviate the hardship other than this application.					
		`			
(c) Applicant must fill out a Assessment Form (SEQR) with this a		Environmental			
(d) The property in question County Agricultural District: Yes	is located in or Nox.	within 500 ft. of a			
If the answer is Yes, an agricultualong with the application as well within the Agricultural District r list from the Assessor's Office.	as the names of	all property owners			
V. √ Area variance: (a) Area variance requested f Section 48-12, Table of 1	rom New Windsor I	Zoning Local Law, Regs., Col. FFG			
Requirements Min. Lot Area Min. Lot Width Reqd. Front Yd.	Proposed or Available	Variance Request			
Regd. Side Yd. (Porch) 15' Regd. Rear Yd. (SHED) 10' Regd. Street Side Yard. #1 (SHED) 10' Max. Bldg. Hgt.	3'	12' 9'3" 7'6"			
Min. Floor Area* (Pool Deck) 40' Dev. Coverage* Floor Area Ratio** Parking Area * Residential Districts only	<u>38*</u>	<u></u>			

^{*} Residential Districts only

^{**} No-residential districts only

^{√(}b) In making its determination, the ZBA shall take into
consideration, among other aspects, the benefit to the applicant if
the variance is granted as weighed against the detriment to the
health, safety and welfare of the neighborhood or community by such
grant. Also, whether an undesirable change will be produced in the
character of the neighborhood or a detriment to nearby properties will
be created by the granting of the area variance; (2) whether the
benefit sought by the applicant can be achieved by some other method
feasible for the applicant to pursue other than an area variance; (3)

whether the requested area variance is substantial; (4) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and (5) whether the alleged difficulty was self-created. Describe why you believe the ZBA should grant your application for an area variance:

			- ALL THERE	FOR MOLE THAN			
10 ye	ALS AND	NAVE NEVER A	EN A PROSCEN	, WITH NEIGHBORS.			
You may	attach ad	ditional paperwor	k if more spac	e is needed)			
T. Sign (a)	Variance: Variance: Section _	requested from Ne	m New Windsor Zoning Local Law, Regs.				
		Requirements	Proposed or Available	Variance Request			
Sign Sign							
Sign							
Sign							
-							
		in detail the sig					
igns.				•			
				signs on premises free-standing sign			
	erpretation						
(a)	Section			Zoning Local Law, Regs.,			
(b)	Col. Describe	in detail the pr	oposal before	the Board:			
_	·						
			·	•			

√ VIII. Additional comments:

(a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or

fost	eaded and that the intent and spin sered. (Trees, landscaping, curbs sening, sign limitations, utilities	s, lighting, paving, fencing,
		•
IX.	Copy of tax map showing and Copy of contract of sale, Copy of deed and title polycopy (ies) of site plan or location of the lot, the lateral facilities, utilities, accurates, landscaping, fencing paving and streets within Copy(ies) of sign(s) with Two (2) checks, one in the check in the amount of \$ 000 or NEW WINDSOR.	lease or franchise agreement. licy. survey showing the size and location of all buildings, cess drives, parking areas, ng, screening, signs, curbs, 200 ft. of the lot in question.
x.	Affidavit.	
		Date: //- 9-97
	PE OF NEW YORK)) SS.: TTY OF ORANGE)	
appi to t unde	The undersigned applicant, being the information, statements and ication are true and accurate to the best of his/or information and erstands and agrees that the Zonin on to rescind any variance grantes ented herein are materially change	representations contained in this the best of his/her knowledge or belief. The applicant further g Board of Appeals may take the conditions or situation
		(Applicant)
Swoı	n to before me this	
	,	
7	day of truender, 1998.	NASHAT S. GHALI Notary Public, State of New York
xI.	ZBA Action:	Qualified in Orange County Commission Expires February 28, 1979
	(a) Public Hearing date:	

٠,	(b) Variance: Granted ()			ted ()	Denied	())		
	(c)	Restrict	ions or	conditions:		-			· .
	•						-		
					-		•		•
			· · · · · · · · · · · · · · · · · · ·				٠.		<u> </u>

NOTE: A FORMAL DECISION WILL FOLLOW UPON RECEIPT OF THE PUBLIC HEARING MINUTES WHICH WILL BE ADOPTED BY RESOLUTION OF ZONING BOARD OF APPEALS AT A LATER DATE.

(ZBA DISK#7-080991.AP)

PUBLIC NOTICE OF HEARING ZONING BOARD OF APPEALS

TOWN OF NEW WINDSOR

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the TOWN OF NEW WINDSOR, New York, will hold a Public Hearing pursuant to Section 48-34A of the Zoning Local Law on the following Proposition:

Appeal No. 47.
Request of ADELINE VAN DERESSEN
for a VARIANCE of the Zoning Local Law to Permit:
Pristing porch, pooldeck + 2 shedo w insufficient
rear and side yards;
being a VARIANCE of Section 48-12-Table of Ise Bulk Rogs - Cols. FoG
for property situated as follows:
516 SNORE DRIVE, New Windsor, n.y.
known and designated as tax map Section 62, Blk. 7, Lot 40.24/
SAID HEARING will take place on the 23rd day of November, 1998, at the New Windsor Town Hall, 555 Union Avenue, New Windsor, New York beginning at 7:30 o'clock P.M.

Lames Nugent Chairman

ORANGE COUNTY CLERK'S OFFICE RECORDING PAGE THIS PAGE IS PART OF THE INSTRUMENT - DO NOT REMOVE

PRINT OR TYPE: BLACK INK ONLY	
ian V. van der esset	
TO ADELLINE VAN DER ESSI	SECTION 62 BLOCK 7 LOT 40
	RECORD AND RETURN TO: (Name and Address)
ATTACH THIS SHEET TO THE FIRS	Bruto 94 P.O. Poy 4323
RECORDED INSTRUMENT ONLY.	New Windsor, New York 12550
DO NOT WRITE BELOW THIS LINE	
CONTROL NO	DATE 8/16/88 AFFIDAVIT FILED19
INSTRUMENT TYPE: DEED	X MORTGAGE SATISFACTION ASSIGNMENT OTHER OTHER
BG20 Blooming Grove	SERIAL NO.
CH22 Chester	Mortgage Amount \$ CHECK CASH CHARGE
CR26 Crawford	- Exempt Yes No MORTGAGE TAX \$
DP28 Deerpark	
GR32 Greenville HA34 Hamptonburgh	
HA34 Hamptonburgh	Received Tax on above Mortgage
HI36 Highlands	- Basic \$
ME40 Monroe	MTA \$ RECORD. FEE \$20
HI36 Highlands MK38 Minisink ME40 Monroe MY42 Montgomery MH44 Mount Hope NT46 Newburgh (T) NW48 New Windsor	Spec. Add. \$ REPORT FORMS \$_5
MH44 Mount Hope NT46 Newburgh (T)	TOTAL \$ CERT. COPIES \$
NW48 New Windsor	MARION S. MURPHY Bloom LC
1U50 Tuxedo	MARION S. MURPHY
WL52 Wallkill WK54 Warwick	
WA56 Wawayanda	
WO58 Woodbury MN09 Middletown	ORANGE COUNTY CLERK'S OFFICE S.S. Recorded on OCT 20 1988 RECEIVED
NC11 Newburgh	necorded off DOT A 1000
PJ13 Port Jervis	in Liber/Film 3026 Deld M. DES EXEMPT PEAL FETATE
9999 Hold	- AVAL OFF MOS
	manage N TRANSFER TAX
	ORANGE COUNTY
	County Clerk

THIS INDENTURE, made the 6 day of August, nineteen hundred and eighty-eight BETWEEN IAN V. VANDER ESSEN, presently residing at c/o Vans Carpet Ranch, Route 94, Box 367, Vails Gate, County of Orange, State of New York and ADELINE VANDER ESSEN, presently residing at 315 Shore

party of the first part, and ADELINE VANDER ESSEN, presently residing at 315
Shore Drive, New Windsor, County of Orange, State of New York 12550

lawful money of the United States, and other good and valuable consideration

Drive, R.D. #4, New Windsor, County of Orange, State of New York 12250

Section 62 Block 7

by the party of the second part, does hereby grant and release unto the party of the second part, the heirs or successors and assigns of the party of the second part forever,

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate,

ALL that lot or parcel of land situate, lying and being in the Town of New Windsor, Orange County, New York, being Lots Nos. 9 and 10, Block 5, upon a certain map entitled Beaver Dam Lake, Section 1, Lands of Henry Powell Ramsdell, Towns of Cornwall and New Windsor, Orange County, New York, made by Blake and Woodhull, C.E., dated April 22, 1931 and filed in the office of the Clerk of Orange County and more particularly bounded and described as follows:

BEGINNING at a point in the northeasterly line of Shore Drive at the southerly corner of Lot #8 on said plan and running thence in a northeasterly direction 125 feet along the southeasterly line of said Lot #8 to the northerly corner of Lot #9 on said plan; and running thence in a southeasterly direction along the northeasterly line of Lots Nos. 9 and 10 for a distance of 50 feet to the northerly corner of Lot No. 11 and running thence in a southwesterly direction along the northwesterly line of Lot No. 11 to a point in the northeasterly line of Shore Drive and running thence northwesterly along the northeasterly line of Shore Drive for a distance of 50 feet to the point or place of beginning.

BEING a lot of land 50 feet front and rear and 125 feet in depth.

TOGETHER with an easement or right of way as an appurtenant to said premises over all streets and parkways shown on said map and the right to use the lake shown on said map for boating, fishing, recreation and sports insofar as the grantor has the right to convey the same.

SUBJECT to the utility right of way 2 feet in width along the rear or front of each lot for the use of electric light or telephone poles or water mains.

SUBJECT to the following covenants and restrictions which shall run with the title to the land forever:

- 1. That no structure of any sort shall ever to erected, placed or permitted to stand or be upon said premises other than a private residence or garage. The porch line of any residence or the wall of any garage must be at least 20 feet from the line of the street upon which it fronts and no building or structure shall be erected, placed or permitted to stand less than 2 1/2 feet from the line of the lot upon which it stands. No cesspool or septic tank, constructed on the premises is to be installed less than 50 feet from the highwater mark of said Lake, nor less than 6 feet from the line of any lot.
- 2. Not more than one dwelling shall be erected, placed or permitted to stand or be on less than two lots nor upon a lo or lots having a frontage of less than 50 feet; except upon the lots abutting on the shore of the said Lake and upon lots marked on said Map as lots designated for business purposes.
- 3. No boats propelled by motors, engines or other mechanical power will be permitted or used upon said lake and only boats propelled by hand or wind shall be used thereon and said Lake shall not be used for any business purposes whatever.
- 4. No advertising signs, nor any fowls or other livestock nor any noxious or noisome or objectionable thing having a regard to the general character of the neighborhood, shall ever be permitted upon the premises hereinbefore described or on any portion thereof; except that the restriction as to advertising signs shall not apply to lots marked on said map. as lots designated for business purposes.
- 5. No manufacturing or business of any kind shall ever be carried on, maintained or permitted upon the lands hereinbefore described or any portion thereof, except upon lots marked on said Map as lots designated for business purposes.
- 6. No fence or fences shall be erected, placed or permitted to stand or be on said premises or on the boundary lines thereof. This restriction shall run until January 1, 1950.

PARCEL 2

ALSO, ALL that piece or parcel of land, with the buildings and improvements thereon situate in the Town of New Windsor, County of Orange, New York, being lots No. 62 and 63, Block 5, upon a certain map entitled Beaver Dam Lake, Section 1, Lands of Henry Powell Ramsdell, Towns of Cornwall and New Windsor, Orange County, New York, made by Blake & Woodhull, C.E., dated April 22, 1931 and filed in the office of the Clerk of the County of Orange.

TOGETHER with an easement or right of way as an appurtenance of said premises over all streets and parkways shown on said Map, and the right to use the Lake shown on said Map for boating, fishing, recreation and sports insofar as the party of the first part has the right to grant such use to the party of the second part; without recourse, however, to the party of the first part, her heirs, executors, administrators or assigns, for any claim of damages, cause of action or claim of liability for injury or death caused by or arising from or by reason of the ue of said streets and parkways, or said Lake, by the party of the second part, her heirs or assigns.

And the party of the first part hereby reserves a utility right of way two feet in width along the rear or front of each lot for the use of electric light or telephone poles and water mains; except such lots as have their front upon the water line of said Lake, upon which lots said utility right of way two feet in width is hereby reserved along the rear of said lots.

SUBJECT to convenants, restrictions and agreement of record.

BEING the same premises conveyed by Arthur J. Lobb and Sadie M.

Vander Essen and Katherine A. Vander Essen, by Deed dated May 21, 1968 and recorded in the Orange County Clerk's Office, May 22, 1968, in Liber 1794 of Deeds at Page 60

BEING and intended to be the same premises described in Deed dated September 14, 1973, running from Ian V. Vander Essen and Katherine A. Tavernise (formerly known as Katherine A. Vander Essen) to Ian v. Vander Essen and Adeline Vander Essen, husband and wife, and recorded in the Orange County Clerk's Office on September 19, 1973 in Liber 1955 of Deeds at Page 307.

THE conveyance hereunder is subject to a certain mortgage in the original amount of \$15,400.00, executed by Ian V. Vander Essen and Katherine A. Vander Essen, as mortgagors to Kingston Savings Bank, as Mortgagee, which mortgage is dated May 21, 1968 and was recorded on May 22, 1968 in the office of the Clerk of the County of Orange in Liber 1513 of Mortgages, at Page 65.

THIS conveyance is made for no monetary consideration.

TOGETHER with all right, title and interest, if any, of the party of the first part in and to any streets and roads abutting the above described premises to the center lines thereof,

TOGETHER with the appurtenances and all the estate and rights of the party of the first part in and to said premises,

TO HAVE AND TO HOLD the premises herein granted unto the party of the second part, the heirs or successors and assigns of the party of the second part forever.

AND the party of the first part covenants that the party of the first part has not done or suffered anything whereby the said premises have been incumbered in any way whatever, except as aforesaid.

AND the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party of the first part will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose.

The word "party" shall be construed as if it read "parties" whenever the sense of this indenture so requires.

IN WITNESS WHEREOF, the party of the first part has duly executed this deed the day and year first above

-

written.

e Seema

V. Vander Essen

Adeline Vander Esser

STATE OF NEW YORK, COUNTY OF ORANGE

On the 6 day of August personally came

1988, before me

Ian V. Vander Essen

to me known to be the individual described in and who executed the foregoing instrument, and acknowledged that

he executed the same.

Notary Public

STATE OF NEV YORK, COUNTY OF

On the day of 19, before me personally came to me known, who, being by me duly sworn, did depose and say that he resides at No.

that he is the of

, the corporation described in and which executed the foregoing instrument; that he knows the seal of said corporation; that the seal affixed to said instrument is such corporate seal; that it was so affixed by order of the board of directors of said corporation, and that he signed h name thereto by like order.

STATE OF NEW YORK, COUNTY OF ORANGE

day of

1988, before me

personally came

Adeline Vander Essen

to me known to be the individual described in and who executed the foregoing instrument, and acknowledged that she executed the same.

Wotary Public

Netern Lablic, State of New York
Relating in Orange County
Comm. Expired Merch 50, 1940

STATE OF NEW YORK, COUNTY OF

341

On the day of 19, before me personally came the subscribing witness to the foregoing instrument, with whom I am personally acquainted, who, being by me duly sworn, did depose and say that he resides at No.

that he knows

to be the individual described in and who executed the foregoing instrument; that he, said subscribing witness, was present and saw execute the same; and that he, said witness, at the same time subscribed h name as witness thereto.

Bargain and Sale Deed
With Covenant Against Granton's Acts

TITLE No.

IAN V. VANDER ESSEN and ADELINE VANDER ESSEN

TO

ADELINE VANDER ESSEN

SECTION BLOCK

BLOCK LOT

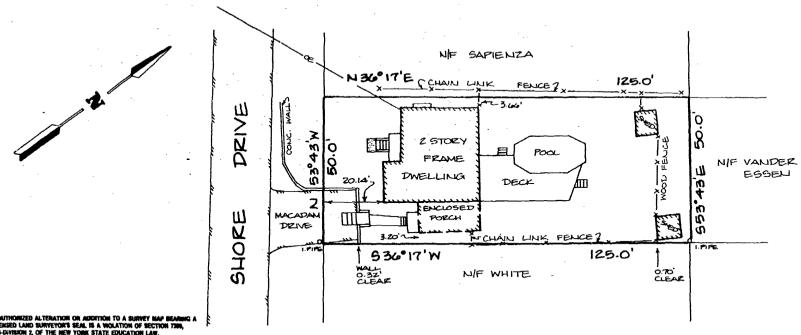
COUNTY OR TOWN ORANGE

RETURN BY MAIL TO:

BLOOM & BLOOM, P.C. 530 Blooming Grove Tpk. P.O. Box 4323 New Windsor, New York Zip No. 12550

this space for use of Recording Office.

LIBER 3026 PAGE 95



UMAITHORIZED ALTERATION OR ADDITION TO A SURVEY MAP BEARING A LICENSED LAND SURVEYORS SEAL IS A WOLATION OF SECTION 7508, SUB-DIVISION 2, OF THE NEW YORK STATE EDUCATION LAW. COPIES OF THIS SURVEY MAP NOT HAVING THE EMBOSSED SEAL OF THE LAND SURVEYOR SHALL IND THE WAID.
CENTRECATIONS ARE NOT TRANSPERSABLE TO ADDITIONAL INSTITUTIONS OR SURSECUEST COMPOSED STATE OF RECORD.
SUBJECT TO ANY EASEMENTS OR RIGHTS OF PRAY OF RECORD.

REFERENCE: BEING LOTS # 9 AND 10, BLOCK 5, AS SHOWN

ON A MAP ENTITLED "BEAVER DAM LAKE SECTION I" FILED AT THE ORANGE COUNTY CLERK'S OFFICE MAY 5, 1931 AS MAP # 1044.

CERTIFIED-ONLY TO:

· ADELINE VANDER ESSEN

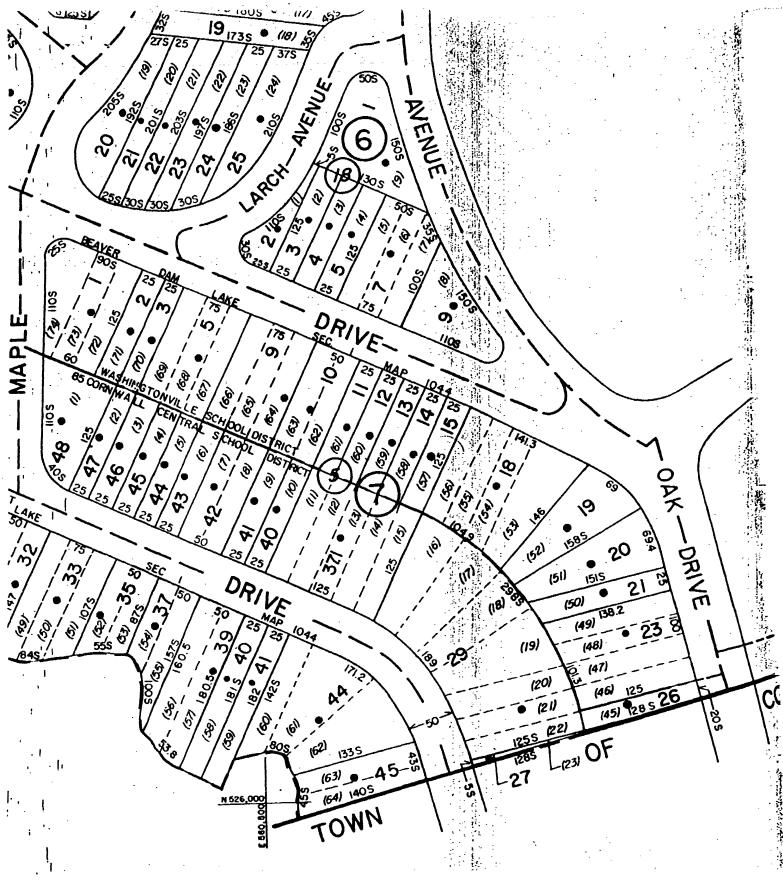
SURVEY OF PROPERTY FOR

ADELINE VANDER ESSEN

TOWN OF NEW WINDSOR
ORANGE COUNTY, NEW YORK
SCALE: 1"= 20' AREA = 6,250 SQ.FT.
SEPTEMBER 10,1998

FRANK M. HOENS
PROFESSIONAL LAND SURVEYOR
GOSHEN, NEW YORK

FRANK M HOENS, NYS PLS LIC NO. 49314



ORANGE COUNTY NEW YORK

Photo No: 7-344,345

Nate of Photo: 3-1-65

Date of Map: 9-24-67

Date of Revision 3-1-98